

OPPORTUNITY EDUCATION PROGRAM GUIDELINES¹

Research findings and reports such as *Caught in the Middle: Educational Reform for Young Adolescents in California*, show clearly that early adolescence is a critical period for students. For many students, the middle grades represent the last chance to develop a sense of academic purpose and personal commitment to educational goals. Students who fail in the middle grades often drop out of school and may never have another opportunity to develop their full potential. Students who are habitually absent, disorderly, insubordinate, or at risk of developing these behaviors in the middle grades are often deficient in basic skills and may become isolated from other students and disengaged from school.

Even if students have been prepared for the transition from elementary school to the middle grades and high school, the social and academic shift from a self-contained classroom to a departmentalized middle or high school environment can feel very threatening. Some students may feel overwhelmed by the change in structure and instructional pace and begin to exhibit at-risk behaviors that are characteristic of candidates for Opportunity Education. These students may benefit from the self-contained classrooms, smaller class size, specialized instruction, and counseling provided through Opportunity Education as they adjust to the middle grades environment.

Opportunity Education schools, classes, and programs provide a supportive environment with specialized curriculum, instruction, guidance and counseling, psychological services, and tutorial assistance to help students overcome barriers to learning. Opportunity Education should not be viewed as a holding place for resistant learners but as an intervention to ensure student success. It provides comprehensive academic programs that facilitate positive self-esteem, confidence, and personal growth with the goal of helping students return to traditional classes and programs for grades 1 through 12.

Opportunity Education is most effective when it meets guidelines related to class size, curriculum, classroom learning strategies, counseling and guidance, and transition strategies related to placement, assessment, and follow-up. The following program guidelines summarize effective practices and identify related regulatory statutes.

Class Size

Although there are no legal requirements for class sizes in Opportunity Education, classes are kept relatively small to effectively provide the individualization that best serves at-risk students. Classes in effective programs throughout the state range from 12 to 15 students, with some classes as large as 18 if there is instructional support from an aide or a team teacher.

Curriculum and Classroom Learning Strategies

Students in Opportunity Education receive instruction in the core academic subjects. The curriculum content is the same as that offered in the regular program but it is delivered to students through a variety of instructional strategies. Some strategies allow students to develop academic skills through an open-entry/open-exit approach that allows them to work on individual assignments at their own rate. Other strategies center on instruction in larger group settings, on collaborative or paired assignments for small group problem solving, on frequent class meetings providing student-centered or directed communication experiences, and on creative self-expression in individual or group settings.

¹ These guidelines are designed to serve as a model. They are not prescriptive and compliance is not mandatory (*Education Code* section 33308.5).

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Counseling and Guidance Component

Many students in Opportunity Education have been identified by the school community as emotionally, psychologically, or socially at risk of failing to complete their high school education. Opportunity Education provides these students with an environment that includes learning support in the form of counseling, psychological services, and tutorial assistance. These services can help students address problems such as habitual absence, disorderly conduct, insubordination, and other barriers to learning.

Transition Strategies: Placement, Assessment, and Follow-up

Placement in an Opportunity program or class is generally determined by a committee of school personnel made up of teachers familiar with the student's progress, Opportunity Education staff, counseling and psychological staff, and parent(s) or guardian(s) as specified in *Education Code* section 48637.1. Opportunity program staff maintain communication with their students' parents to enhance the relationship between home and school. No pupil may be required to attend an Opportunity program or class until both the pupil and the pupil's parent (or guardian) have been notified in writing of the intended assignment.

Students provided special education services may be assigned to Opportunity programs and classes. Prior to assignment, however, schools are advised to conduct an Individualized Educational Program (IEP) meeting to confirm that Opportunity Education is an appropriate placement for the student.

While enrolled in Opportunity Education, students should receive frequent assessments and progress reports of their work and school adjustment. These assessments and reports help guide teachers in selecting appropriate curriculum and inform parents of the effectiveness of the Opportunity Education intervention. *Education Code* section 48637.3 provides that a student's overall progress must be reviewed not less than two times each school year to determine whether the student would benefit by returning to regular school or classes.

A successful Opportunity Education program for middle grade students is one that results in improved self image, acquisition of better skills for scholastic success, and increased ability to assume responsibility for their own learning and behavior in the regular school program. Educators teaching in Opportunity settings are challenged to develop sensitivity to the entire spectrum of middle grade students' unique needs and potential.

OPPORTUNITY EDUCATION FISCAL REIMBURSEMENT GUIDELINES

These guidelines provide information regarding 2001-2002 applicant eligibility and funding procedures for reimbursement to districts for Opportunity Education programs and classes for pupils enrolled in grades seven through nine inclusive (*Education Code* sections 48643 and 48643.5).

Opportunity Education may be offered by a school district (or by a county office of education through the waiver process) for grades 1 through 12. Reimbursement provisions are only available for Opportunity Education programs and classes in grades seven through nine.

Background

The Legislature enacted *Education Code* sections 48643 and 48643.5 to provide an alternative learning environment for students in grades seven through nine who experience difficulties in school, attend school irregularly, are habitually truant, insubordinate, or disorderly. Opportunity programs often incur costs for specialized instruction and counseling services that exceed the reimbursement provided in the regular apportionment to the district.

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Education Code sections 48643.5 and 48644 outline the application procedure and the conditions that must be met by districts to receive reimbursement from the state to offset the costs of services provided by Opportunity programs. Districts that provided Opportunity programs and/or classes, at grades seven through nine, inclusive, during the 2001-02 school year, and that meet the conditions and criteria for the 2001-02 reimbursement, are eligible to apply.

Definitions and Statutory Requirements

The following definitions and statutory requirements are provided to clarify terms in Opportunity Education:

1. *Opportunity Students.* These are students enrolled in grades one through twelve, who are identified by characteristics enumerated in *Education Code* section 48630, and assigned to the Opportunity environment for all or part of the school day.

For identification and referral purposes, students may already exhibit attendance or behavior problems or they may be at risk of exhibiting behavior problems such as irregular attendance, insubordination, and/or disorderly conduct while attending school. The intent of the identification and referral process is to provide the type of assistance that will help students
“...resolve their problems so that they may maintain themselves in regular classes or reestablish themselves for return to regular classes or regular schools as soon as practicable” (*Education Code* section 48630).

Although students in grades one through twelve may be assigned to Opportunity Education, only students in grades seven through nine generate enhanced funding for which school districts may be reimbursed.

2. *Opportunity Assignment Procedures.* After observing the due process procedures described in *Education Code* sections 48637.1 and 48637.2, the governing board, the district superintendent, or a person designated in writing by the governing board may assign identified students to an Opportunity Program schedule or Opportunity Class schedule. Assignment is to be conducted with a view to the improvement of the student, and to the student’s restoration as soon as practicable to the regular school or regular class which he or she would, if not so assigned, be required to attend (*Education Code* section 48631).
3. *Opportunity Class Assignment.* This consists of a daily schedule for an Opportunity student, providing not less than 180 minutes exclusively in the Opportunity environment. Because this schedule replaces (supplants) regular class or school attendance for the entire school day, attendance of such students is recorded and reported on the J 18/19, P-1, P-2, and Annual reports as Opportunity Class Average Daily Attendance (ADA) (*Education Code* section 46180; refer to “Opportunity Class ADA Calculation” on page 5 for further information.)
4. *Opportunity Program Assignment.* A daily schedule for an Opportunity student providing not less than one class period, and no more than 179 minutes in the Opportunity environment, with the balance of at least the minimum day for the student’s grade level in the regular school or class. Attendance of students on a concurrent schedule is credited to, and reported as, regular school or class ADA. (*Education Code* section 46180; refer to “Opportunity Program ADA Calculation” on page 5 for further information.)

Range of Services

When calculating the reimbursement costs generated by Opportunity Education, districts and county offices of education may consider the excess costs of the following services: crisis counseling; specialized services for substance abuse; suicide prevention; services provided for parents, school staff education and inservice; referral and use of psychologists; referral and use of psychiatrists over and above district

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services; specialized instructional materials and equipment for adjustment purposes; credentialed and qualified instructional and counseling staff assigned to the Opportunity environment; costs associated with increased counseling, guidance and instruction services other than those incurred in remediation services that are reimbursed by other funds; and expenses incurred for home conferences with parents and guardians (*Education Code* section 48644 (b) 3.).

Eligibility

Education Code sections 48630 through 48644.5 define the operation and funding of Opportunity Education schools, classes, and programs. The following excerpt relates to the reimbursement provisions that became operative on July 1, 1984.

Education Code section 48643.5. Upon application to the Superintendent of Public Instruction, the governing board of any school district which maintains opportunity classes or programs for pupils enrolled in grades 7 to 9, inclusive, shall be eligible to receive reimbursement pursuant to Section 48644 for those costs of increasing the availability of such classes or programs which are in excess of reimbursements provided in the regular apportionment to the school district.

School districts must submit proof of the 2001-02 ADA for Opportunity Education program and class expenditures to be eligible for 2001-02 reimbursement of costs.

Basis for Reimbursement

Education Code section 48644 (a) and the annual Budget Act provide that the Superintendent of Public Instruction shall allocate to school districts that are eligible under *Education Code* section 48643.5 (b), an amount that is based on the additional enrollment in these programs and classes above the 1982-83 enrollment levels. The reimbursement amount for 2001-02 may not exceed **\$518** per ADA.

Conditions of Reimbursement

To initiate the reimbursement process, a school district must submit **Part A: 2001-02 Opportunity Education Program Information** (copy attached) to establish eligibility and **Part B: 2001-02 Opportunity Education Fiscal Information** (copy attached) to calculate ADA for the fiscal year.

Instructions for Completing Part A: 2001-02 Opportunity Education Program Information and Part B: 2001-02 Opportunity Education Fiscal Information

Part A: Program Information

To fulfill the conditions of reimbursement stated in subdivisions (a) and (b) of *Education Code* section 48644, a school district must meet the following requirements and provide the appropriate documentation required on **Part A: 2001-02 Opportunity Education Program Information**:

Required Documentation

1. Demonstrate that the increased opportunity programs or classes will be operated in compliance with the law and for the purpose of returning pupils to the regular education program of the district.

Suggested Evidence

Copies of established policies and regulations governing the referral, recommendation, and assignment of pupils to and from the Opportunity environment; due process measures; designation of person(s) responsible for assignments; pupil progress reports; and records of pupils returned to regular school or class. **Governing board adopted policies are recommended.**

2. Demonstrate the need for funds allocated pursuant to subdivision (a) and the purposes for which the funds will be used.

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Suggested Evidence

Program description; specialized curriculum; climate provided; instructional services; guidance services; materials and equipment used over and above those provided through regular reimbursement.

3. Demonstrate that the instructional and counseling services provided by Opportunity Education result in costs in excess of reimbursement provided in the regular apportionment to the school district.

Suggested Evidence

A budget describing the cost of special supplemental services provided as compared with services provided by the regular apportionment; register of pupil attendance records; attendance procedures; and expenses incurred for Opportunity services provided to students, parents, and school staff.

Part A: 2001-02 Program Information forms must be accompanied by a budget that shows actual expenditures for the Opportunity Program (copy attached).

The district superintendent must sign **Part A: 2001-02 Opportunity Education Program Information** and assure compliance with, and fulfillment of, subdivisions (a) and (b) of *Education Code* section 48644.

Part B: 2001-02 Fiscal Information.

Opportunity Class ADA Calculation. For the purpose of receiving supplemental reimbursement, Opportunity Class ADA is determined by dividing the total days of attendance in all full school months in the period between July 1 and April 15 (refer to the J 18/19, P-2 Attendance Report), inclusive, by the number of days taught in all full school months. Attendance is accounted pursuant to *California Code of Regulations*, Title 5, section 402 ("negative" attendance accounting).

Opportunity Program ADA Calculation. The method used to calculate Opportunity Program ADA for the purpose of receiving reimbursement is as follows:

1. Lines A-D of **Part B: 2001-02 Fiscal Information** are used to establish a baseline ADA **if** the district had an Opportunity Program in fiscal year 1982-83 per *Education Code* section 48644. If the district did **not** operate such a program during that fiscal year, enter zero and proceed to line E.
2. Calculate the total hours of attendance in the Opportunity Program in 2000-01 for the period between July 1 and April 15 (P-2) for students enrolled in grades seven through nine. A total of 405 hours of Opportunity Program attendance constitutes one unit of ADA for supplemental funds. This amount is to be entered on line G of **Part B: 2001-02 Fiscal Information**.
3. All clock hours of attendance by pupils on the Opportunity Program assignment must be tabulated and computed to formulate the Opportunity Program ADA reported on **Part B: 2001-02 Fiscal Information**. If the scheduled Opportunity Program attendance exceeds the 179-minute daily maximum for any pupil, report that attendance as Opportunity Class ADA.

Reimbursement Calculation. To compute Opportunity reimbursement **for excess costs only**, add (1) the sum of the Opportunity Program ADA (generated by attendance of pupils scheduled for Opportunity

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Program assignment) to (2) the sum of the Opportunity Class ADA (generated by the attendance of pupils scheduled for the Opportunity Class assignment and reported on **Part B: 2001-02 Fiscal Information**).

This calculated total forms the basis for computing the reimbursement for the excess costs generated by increasing the availability of services through Opportunity Education. The completed and signed form, **Part B: 2001-02 Fiscal Information**, meets the compliance and fulfillment reimbursements in *Education Code* section 48644 (a).

System of Reimbursement and Timeline for Reimbursement Process

The following system has been developed to determine the amount of funds that will be set aside for those districts submitting applications for reimbursement. This system ensures that the funds allocated for the purpose of Opportunity Education are available to cover districts' excess costs and allows for the computation of Opportunity Education ADA.

Role of the District

1. Districts must complete and submit **Part A: 2001-02 Opportunity Education Program Information** to be eligible for the reimbursement. A budget for supplemental services to Opportunity students must be included as part of item 3 on the form.
2. Districts are required to complete and submit **Part B: 2001-02 Fiscal Information** for excess cost reimbursement.
3. Both **Part A: 2001-02 Opportunity Education Program Information** and **Part B: 2001-02 Fiscal Information** must be returned to the California Department of Education **no later than December 31, 2002**.

Role of the California Department of Education (CDE)

1. When CDE receives **Part A: 2001-02 Opportunity Education Program Information**, staff will review the contents for reimbursement eligibility.
2. When CDE receives **Part B: 2001-02 Fiscal Information** on or before **December 31, 2002**, staff will compute the amount due to each district or county office of education for the fiscal year 2001-02, and certify that amount to the state controller.
3. The amount due to each district will be **disbursed by the State Controller** through the respective county offices of education.
4. If the total reappropriation in the Budget Act is not sufficient to fund all actual excess costs, a deficit factor will be applied to all apportionment as necessary.